

REMARKS

In the Office Action, claims 74-79 were allowed, and claim 50 was indicated as allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims. Applicants thank the Examiner for allowing claim 74-79 and for indicating the allowability of claim 50. Claim 50 has been placed into independent form by incorporating the language of dependent claim 50 into independent claim 48 from which it directly depended. Accordingly, independent claim 48 and its dependent claims should now be a condition for allowance.

Additionally, claims 29, 31-36, 43-49 and 51-58 were rejected. By this Reply and Amendment, independent claims 29 and 43 have been amended, claim 50 has been canceled without prejudice, and claims 29, 31-36, 43-49, 51-58 and 74-79 remain pending in the present application. All claim amendments are fully supported throughout the written description and figures of the specification.

In the Office Action, claims 31-36 were objected to based on insufficient antecedent basis for the claim language "the tubular member" in line 2 of the claim. The amendment to independent claim 29, from which claim 31 directly depends, has provided proper antecedent basis and the objection is believed no longer applicable.

Claims 29 and 31-36 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 27-33 of US Patent No. 6,695,054. Applicants request the Examiner review the amendment to claim 29 and withdraw this rejection. If, however, the Examiner maintains the rejection, a terminal disclaimer can be filed to overcome the rejection.

Claims 29, 31-34 and 36 were rejected under 35 USC 102(b) as anticipated by the Teague et al. reference, US Patent No. 2,812,025. Independent claim 29 has been amended to clarify aspects of the invention, and the rejection is believed not applicable.

The Teague et al. reference discloses an expansible liner 14 that may have slots or screened openings to let fluid from the surrounding formation move into the interior of the expansible liner. (See column 3, lines 25-30). In Figure 6, an expansible liner 14b is illustrated as longitudinally split at 28 and as having coarse threads or ratchet teeth 30 provided on the overlapping ends 32 of the liner. (See also column 4, lines 39-48).

The Teague et al. reference, however, fails to disclose elements of amended, independent claim 29. For example, the reference does not disclose or suggest the tubular member with a plurality of radial openings therethrough and "a first layer overlapping a second layer along the exterior of the tubular member" in combination with a locking mechanism to maintain the tubular system in an expanded condition, as recited in claim 29. Claims 31-36 ultimately depend from independent claim 29 and are patentable for the reasons provided with respect to claim 29 as well as for the unique subject matter recited in each of those dependent claims.

Claims 43-47 were rejected under 35 USC 102(b) as anticipated by the Lohbeck reference, US Patent No. 5,366,012. Independent claim 43 has been amended to clarify aspects of the invention, and the rejection is believed not applicable.

The Lohbeck reference discloses a slotted liner 11 used in an uncased section of borehole. The upper end of slotted liner 11 is fixed to a lower end of a casing 6. An expansion mandrel 15 can be used to expand the slotted liner 11. (Column 2, lines 43-68). The reference only suggests use of the liner for completing an uncased section of the borehole.

The Lohbeck reference, however, does not disclose or suggest various aspects of the subject claims. For example, the reference does not disclose or suggest expanding a sand screen in a wellbore region having a nonuniform diameter defined by both a "cased section and an openhole section" of the wellbore, as set forth in independent claim 43. Claims 44-47 ultimately depend from independent claim 43 and are patentable for the reasons provided with respect to claim 43 as well as for the unique subject matter recited in each of those dependent claims.

Claims 48 and 51 were rejected under 35 USC 102(e) as anticipated by the Echols reference, US Patent No. 6,415,509. This rejection is believed moot, because the language of dependent claim 50, indicated as allowable, has been incorporated into independent claim 48.

Claim 35 was rejected under 35 USC 103(a) as unpatentable over the Teague et al. reference in view of the Holmes reference, US Patent No. 2,769,655. It is respectfully submitted that this rejection is not applicable. Claim 35 ultimately depends from amended, independent claim 29 and is patentable for the reasons provided above with respect to independent claim 29 as well as for the unique subject matter contained in dependent claim 35. The disclosure of the Holmes reference does not overcome the deficiencies of the Teague et al. reference as discussed with respect to independent claim 29.

Claim 35 was again rejected under 35 USC 103(a) as unpatentable over the Echols et al. reference. (It should be noted that this rejection may have been directed to claim 48 instead of claim 35.) Regardless, independent claims 29 and 48 have been amended, and it is respectfully submitted the Echols et al. reference does not support the rejection.

Claims 52-58 were rejected under 35 USC 103(a) as obvious over the Donnelly reference, US Patent No. 5,901,789, in view of the Lohbeck reference. This rejection is respectfully traversed.

The Donnelly et al. reference discloses a deformable well screen having a plurality of filter layers. The Lohbeck reference discloses use of a pair of slotted liners in which each slotted liner is provided with overlapping slots. The relative position of the liners can be selected such that after expansion the slots are radially in line or not in line. When the slots are not in line, fluids passing through the liners traverse a zig-zag path to limit sand from entering the borehole. (Column 4, lines 1-10). However, the reference further discloses an alternate way of preventing sand from entering the borehole. This alternate method uses a wrapping, suitably a membrane or a screen having a fine mesh, or a screen of sintered material or of sintered metal, wrapped about the outer surface of the liner. (Column 4, lines 11-17). Accordingly, the Lohbeck reference

teaches the use of liner slots that are not in line radially or, as an alternative, a wrapping disposed about the outer surface of the liner to limit the inflow of sand.

However, the cited references, either alone or in combination, do not disclose, teach or suggest an expandable tubular system that uses overlapping filter sheets with uniquely configured openings to create a predetermined flow path regime. By way of specific example, the cited references, alone or in combination, do not disclose, teach or suggest "positioning uniquely configured openings in each overlapping filter sheet such that upon expansion of the expandable tubular system, the overlapping filter sheets create a predetermined flow path regime" as recited in independent claim 52.

Furthermore, the cited references, taken alone or in combination, do not disclose, teach or suggest numerous elements recited in the dependent claims. For example, the references do not disclose, teach or suggest:

"selecting the predetermined flow path regime to create a greater restriction to flow in specific regions of the expandable tubular system relative to other regions of the expandable tubular system" as recited in claim 54;

"forming the overlapping filter sheets of metal foil" as recited in claim 55;

"forming the uniquely configured openings with different shapes on respective overlapping filter sheets" as recited in claim 56; and

"forming the uniquely configured openings as slots at a first angle in a first filter sheet and as slots at a second angle in a second filter sheet" as recited in claim 57.

These and other features of the subject dependent claims render those claims patentable over the cited references.

Claims 56-58 were rejected under 35 USC 103(a) as unpatentable over the Donnelly reference in view of the Lohbeck reference and further in view of Whitlock reference, US Patent No. 6,382,318. This rejection is respectfully traversed.

Claims 56-58 directly depend from independent claim 52 and are patentable for the reasons provided above with respect to independent claim 52 and for the unique subject matter recited in each of those dependent claims. The addition of the Whitlock reference does not obviate the deficiencies of disclosure in the Donnelly and Lohbeck references. At column 5, lines 51-60 of the Whitlock reference, a filter body 20 is described. The filter body 20 can include a variety of other components including cushioning layers, diffusion layers and layers for selectively blocking flow through filter body 20. However, the reference does not disclose, teach or suggest the use of filter sheets with "uniquely configured openings" as specifically set out in each of the dependent claims 56, 57 and 58. Accordingly, it is respectfully submitted the rejection of claims 56-58 should be withdrawn.

In view of the foregoing remarks, the pending claims are believed patentable over the cited references. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Robert A. Van Someren', is written over a horizontal line.

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